

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

MILTON AL STEWART,	)	
ACTING SECRETARY OF LABOR,	)	
UNITED STATES DEPARTMENT OF LABOR,	)	
Plaintiff,	)	CIVIL ACTION FILE
	)	NO. 4:21-cv-302
v.	)	
	)	
TAMARA III, INC. d/b/a INTERNATIONAL	)	
HOUSE OF PANCAKES,	)	
Defendant.	)	

COMPLAINT

Plaintiff brings this action to enjoin Defendant from violating the provisions of section 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), hereinafter called the Act, pursuant to section 17 of the Act; and to recover unpaid minimum wages and overtime compensation owing for Defendant's employees, together with an equal additional amount as liquidated damages, pursuant to section 16(c) of the Act.

I

Jurisdiction of this action is conferred upon the Court by section 16(c) and 17 of the Act, and by 28 U.S.C. § 1345.

II

Defendant Tamara III, Inc. is a Missouri corporation with its principal place of business located in St. Louis, Missouri within the jurisdiction of this Court.

III

The activities of Defendant referred to in paragraph II were, and are, related and performed through unified operation or common control for a common business purpose,

and have, since at least October 2, 2017, constituted an enterprise within the meaning of section 3(r) of the Act.

#### IV

Since at least October 2, 2017, said enterprise has had employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person; an annual gross volume of sales made or business done of not less than \$500,000, exclusive of excise taxes at the retail level, separately stated; and, therefore, was and is an enterprise engaged in commerce or in the production of goods for commerce as defined in section 3(s)(1)(A) of the Act.

#### V

Defendant has violated and is violating the provisions of sections 6 and 15(a)(2) of the Act by failing to pay to certain employees, for their employment in an enterprise engaged in commerce or in the production of goods for commerce, wages at rates not less than \$7.25 per hour.

#### VI

Defendant has violated and is violating the provisions of sections 7 and 15(a)(2) of the Act by employing certain employees in an enterprise engaged in commerce or in the production of goods for commerce, for workweeks longer than 40 hours since at least October 2, 2017, without compensating said employees for their employment in excess of 40 hours in such workweeks at rates not less than one and one-half times the regular rates at which they were employed.

#### VII

Defendant, an employer subject to the provisions of the Act, has violated and is violating the provisions of sections 11(c) and 15(a)(5) of the Act, in that since at least

October 2, 2017 Defendant has failed to make, keep, and preserve adequate and accurate records of Defendant's employees and of the wages, hours, and other working conditions and practices of employment maintained by Defendant, as prescribed by the regulations (29 Code of Federal Regulations Part 516) promulgated pursuant to section 11(c) of the Act in that the records kept by Defendant failed to show, among other things, the hours worked each work day and each workweek, with respect to certain of Defendant's employees.

### VIII

Defendant has repeatedly violated and is violating the provisions of the Act as alleged in paragraphs V through VII above. A judgment permanently enjoining and restraining the violations herein alleged is specifically authorized by section 17 of the Act, including the restraint of the continued withholding of unpaid minimum wages and overtime compensation due Defendant's employees, is specifically authorized by section 17 of the Act.

### IX

As a result of the violations alleged in paragraphs V and VI above, amounts are owing for certain present and former employees, including those persons specifically named in Appendix A attached to Plaintiff's complaint for the period from October 2, 2017 to October 1, 2019.

A judgment granting recovery of said amounts, together with an equal additional amount as liquidated damages, is specifically authorized by section 16(c) of the Act.

WHEREFORE, cause having been shown:

Plaintiff prays judgment, pursuant to section 17 of the Act, permanently enjoining and restraining Defendant, Defendant's officers, agents, servants, employees, and those

persons in active concert or participation with Defendant who receive actual notice of any such judgment, from violating the provisions of section 15(a)(2) and 15(a)(5) of the Act.

Plaintiff further demands judgment, pursuant to section 16(c) of the Act, against Defendant for unpaid minimum wages and overtime compensation found by the Court to be due for Defendant's present and former employees, and for an equal additional amount as liquidated damages.

Should the Court decline to award said liquidated damages, Plaintiff further demands the award of interest on said unpaid minimum wages and overtime compensation from the date said unpaid minimum wages and overtime compensation became due, until date of judgment.

Plaintiff further prays for such other relief as the Court may find due, including an order that Defendant be required to locate affected employees and distribute any amounts found to be due to affected employees as the result of the violations alleged in paragraphs V and VI hereof.

Plaintiff further demands the award of post-judgment interest as authorized by 28 U.S.C. § 1961, and prays that he recover the costs of this action.

Elena S. Goldstein  
Deputy Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

/s/Laura M. O'Reilly  
Laura O'Reilly  
Federal Bar #65294MO  
Attorney

2300 Main Street, Suite 1020  
Kansas City, MO 64108  
(816) 285-7260  
(816) 285-7287 (fax)  
[oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov)

U.S. Department of Labor  
Attorneys for Plaintiff